

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of LEONARD ERNEST  
PATTERSON, JR., Minor.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
April 11, 2006

Petitioner-Appellee,

v

KATHERINE LEONA WYBLE,

Respondent-Appellant.

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No. 266229  
Saginaw Circuit Court  
Family Division  
LC No. 05-029848-NA

Before: Kelly, P.J., and Jansen and Talbot, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(i) and (l). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). In this case, respondent acknowledges that her rights to seven children were previously terminated, which is all that the express language of MCL 712A.19b(3)(l) requires. A statutory ground based on prior terminations does not violate equal protection because the way a parent treated one child is probative of how she will treat another child. *In re AH*, 245 Mich App 77, 84-85; 627 NW2d 33 (2001); *In re Dittrick Infant*, 80 Mich App 219, 222; 263 NW2d 37 (1977). The lower court did not err when it found clear and convincing evidence of a statutory ground to terminate respondent's rights under MCL 712A.19b(3)(l).

Respondent argues that the lower court failed to properly consider the changes she made since the prior terminations. All evidence indicated respondent successfully completed substance abuse treatment, obtained prenatal care and support services, and pursued and actively participated in psychiatric care and therapy. She and her partner obtained adequate housing shortly before the termination and apparently earned adequate income from his job and her Supplemental Security Income.

However, respondent left independent housing late in her pregnancy and lived in various relatives' homes until approximately one week before the final termination hearing.

Respondent's temporary stay in a cramped apartment to care for her partner's ill mother was understandable; however, she exercised questionable judgment when she deemed the apartment appropriate for the baby. More significantly, when the baby was born, respondent lived in her mother's home with many other relatives and numerous dogs. Respondent's unstable lifestyle created an even greater risk for her child's safety because she did not admit responsibility for failing to protect her older daughter from sexual abuse by someone she allowed to live in her home. Her therapist opined that respondent's prognosis regarding that issue was grim because she failed to recognize her responsibility even after losing seven children.

Respondent's treatment of her seven older children was strong evidence of the way she would treat her youngest. See *In re AH*, *supra* at 84. To overcome that evidence, respondent needed to demonstrate significant progress regarding all problems that led to the terminations. While her progress in some areas was commendable, she failed to show the necessary stability and insight. Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There is no specific burden on either party to present evidence of the child's best interests; rather, the trial court should weigh all evidence available. *In re Trejo*, *supra* at 354. It was not in this child's best interests to wait indefinitely for respondent to resolve every problem that prevented her from providing adequate, stable care.

The lower court did not err when it held that termination was not against the child's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Kathleen Jansen

/s/ Michael J. Talbot